

Congress of the United States
Washington, DC 20515

July 17, 2018

The Honorable Kirstjen M. Nielsen
Secretary
Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20520

Dear Secretary Nielsen:

We recently visited immigration facilities in South Texas to examine the impact of the Trump Administration's "zero tolerance" policy on migrants in Department of Homeland Security (DHS) custody. We witnessed firsthand the unconscionable cruelty of forcibly separating parents, family members, and guardians from children in their care, as well as the additional suffering caused by inadequate record-keeping and data-sharing processes. We are concerned that these failings are now preventing the timely reunification of the more than 2,000 parents in Immigration and Customs Enforcement (ICE) custody with their children, leaving families stranded in the nightmare of separation.

At ICE's Port Isabel Service Processing Center, we met with women who were visibly traumatized by the Administration's policy of forcibly separating families. The grief they experienced as a result of separation was clearly compounded by a lack of information on the location and/or wellbeing of their children, and by significant barriers to establishing contact with them. Most of the women had not spoken with their children since the point of separation, often for over three weeks. They either were unaware of the Office of Refugee Resettlement's National Call Center hotline, their calls to the hotline did not result in contact; or they did not have the funds required to place a call. We should note that few women knew where their children were located, and those who knew the location were more likely to have received that information from a third party than from DHS.

After observing the devastating consequences of family separation, we concur with the U.S. District Court's determination in *Ms. L et al v U.S. Immigration and Customs Enforcement et al* that family separation "arbitrarily tears at the sacred bond between parent and child" and "shocks the conscience." We are encouraged that the stipulations of the preliminary injunction have the potential to relieve some of the suffering that we witnessed. However, the Administration's failure to concurrently track family members or meet the July 11th deadline for reunification of families with children under the age of five, along with our own firsthand observations, lead us to question DHS' capacity to fully comply with the court's requirements. We are also gravely concerned that even short-term detainment in prison-like facilities such as Port Isabel could exacerbate the trauma inflicted by separation.

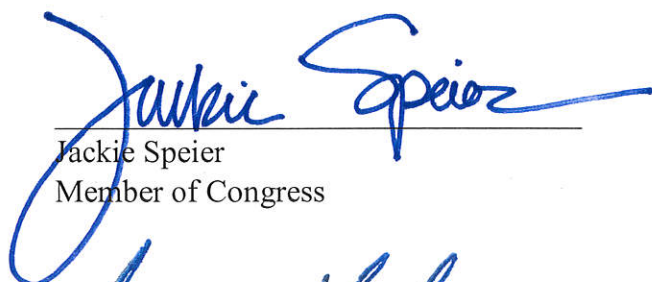
Given the legal and moral responsibility of the government to safeguard all children in its care, we believe that policies related to the forcible separation of families warrant the most stringent congressional oversight. As such, we request the following information related to families separated under the Administration's "zero tolerance" policy by no later than July 24, 2018:

1. What methods does ICE use to identify and track all parents, family members, and guardians in its custody who have been separated from children in their care? Customs and Border Protection (CBP) claims to identify families with "family unit" numbers. When CBP transfers an adult to ICE custody, does CBP include information on the family unit number? How does ICE record and track that information?
2. Does ICE affirmatively provide the following information to parents, family members, and guardians in its custody who were separated from their children: (1) Alien number of the child(ren), (2) Family tracking number (a.k.a. "family unit" number), (3) Current location of the child(ren), and (4) Name and contact information of the Office of Refugee Resettlement (ORR) case manager assigned to the child? If the above information is not provided, how can adult detainees access this information?
3. If parents, family members, and guardians are not informed of the location of their child, where specifically can they go to obtain this information? Do they need to provide any documentation or information as part of this process? If so, what contingency plans or assistance is provided if they do not possess such documents?
4. Were all parents able to make telephonic contact with children from whom they had been separated in accordance with the court-mandated July 6th deadline? If not, how many were able to speak with their child over the phone, how many were unable to establish telephonic contact, and what are the barriers preventing the remaining parents from doing so? Were detainees required to pay for any of these calls? If so, how many?
5. After our visit to Port Isabel, we were pleased to be informed that the women with whom we spoke would be able to each place a call to their child(ren) free of charge. What is the status of this initiative?
6. How does DHS define reunification? Are there any circumstances under which children are placed in the care of an adult other than the parent or guardian from whom they were separated at the border? Would DHS consider such instances as "reunification" under the terms of the preliminary injunction?
7. How many adults in ICE custody have been reunited with minors from whom they were separated at the border? How many of these families were deported, how many are being held in ICE detention facilities, and how many were released on bond, alternatives to detention, parole, bond, or another program?

In closing, we request bi-monthly updates on the number of adult detainees in ICE custody who remain separated from their children, the number of families being detained in ICE facilities, and the number of separated parents, family members, and guardians who have been able to make telephonic contact with their children. We also request a list of every DHS facility used to detain family units, along with the number of families housed in each of these facilities, and a list of facilities that house adults who have been separated from minors at the border.

Thank you for your prompt attention to this matter.

Sincerely,



Jackie Speier
Member of Congress



Lois Frankel
Member of Congress



Brenda L. Lawrence
Member of Congress



Anthony G. Brown
Member of Congress



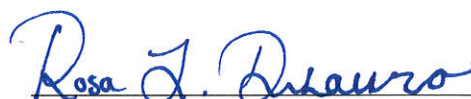
Michael Capuano
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Katherine Clark
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Suzan K. DelBene
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Elizabeth H. Esty
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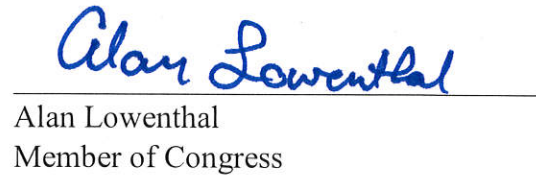
John Garamendi
Member of Congress



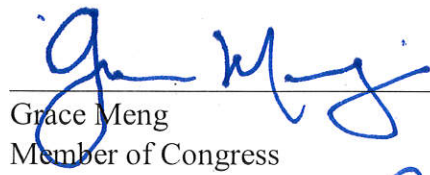
Ann McLane Kuster
Member of Congress



Barbara Lee
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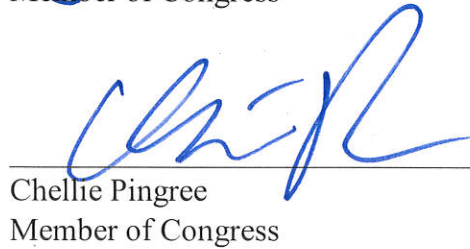
Alan Lowenthal
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